

Notice of Allowability

Application No.

10/722,703

Examiner

R. James Balls

Applicant(s)

CHEN ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/13/2006.
2. ☒ The allowed claim(s) is/are 60-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8/24/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Celia Chang
Primary Examiner
Art Unit 1625

DETAILED ACTION

1. Claims 60-77 are pending.
2. This application is a divisional of application serial no. 10/073,845 filed on February 11, 2002 (now U.S. patent no. 6,696,566).
3. Claims 60-76 are under examination. Applicants cancelled Claim 77.

Examiner's Amendment

4. In Claim 76, delete the phrase, "p38 mediated."

Reasons for Allowance

The following is the examiner's statement of reasons for allowance.

5. Prior art compounds structurally similar to applicants' claimed compounds are found in Daboun et al., *Reactions with Activated Nitriles: Some New Approaches to the Synthesis of Pyridine Derivatives*, HETEROCYCLES 19(10):1925-29 (1982). See page 1926, compounds 10-12. Although Daboun et al.'s compounds have an identical central bicyclic core their substitution differs considerably. For instance, Daboun et al.'s compounds are substituted with two amine groups, not allowed by applicants. Also, Daboun et al.'s compounds are substituted with an oxo group in the location where applicants require NR^1R^2 substitution. Finally Daboun et al.'s compounds are substituted with benzene attached to the bicyclic core by a double bond. Motivation to modify the prior art to arrive at the instant compounds is lacking.

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6. Applicants amended Claim 76 to be drawn to a method of treating arthritis.

Support for said amendment is found in the specification on page 30, line 1. Also,

Gavrin et al., *Inhibition of Tp12 Kinase and TNF-alpha Production with 1,7-*

naphthyridine-3-carbonitriles: Synthesis and Structure-Activity Relationships,

BIOORGANIC & MEDICINAL CHEMISTRY LETTERS, 15:5288-5292 (2005) discloses

naphthyridine derivatives similar to applicants' claimed compounds, which are useable in the treatment of arthritis. See Tables 1 and 2 on page 5289.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Claims 60-76 are allowable.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. James Balls whose telephone number is (571) 272-7997. The examiner can normally be reached on Mon - Fri 8:00am - 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom McKenzie can be reached on (571) 272-0670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

R. James Balls
August 24, 2006



Celia Chang
Primary Examiner
Art Unit 1625